

CONDOMINIUM PUBLIC REPORT

Prepared &
Issued by:

Developer HPD – 10th Ave, LLC
Business Address 1314 S. King Street, Suite 1153, Honolulu, Hawaii 96814

Project Name (*): "1431 10th AVENUE"
Address: 1431 10th Avenue, Honolulu, Hawaii 96816

Registration No. 6051
(Conversion)

Effective date: July 10, 2007
Expiration date: November 18, 2007

Preparation of this Report:

This report has been prepared by the Developer pursuant to the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes, as amended. This report is not valid unless the Hawaii Real Estate Commission has issued a registration number and effective date for the report.

This report has not been prepared or issued by the Real Estate Commission or any other government agency. Neither the Commission nor any other government agency has judged or approved the merits or value, if any, of the project or of purchasing an apartment in the project.

Buyers are encouraged to read this report carefully, and to seek professional advice before signing a sales contract for the purchase of an apartment in the project.

Expiration Date of Reports: Preliminary Public Reports and Final Public Reports automatically expire thirteen (13) months from the effective date unless a Supplementary Public Report is issued or unless the Commission issues an order, a copy of which is attached to this report, extending the effective date for the report.

Exception: The Real Estate Commission may issue an order, a copy of which shall be attached to this report, that the final public report for a two apartment condominium project shall have no expiration date.

Type of Report:

☐ **PRELIMINARY:**
(yellow) The developer may not as yet have created the condominium but has filed with the Real Estate Commission minimal information sufficient for a Preliminary Public Report. A Final Public Report will be issued by the developer when complete information is filed.

☐ **FINAL:**
(white) The developer has legally created a condominium and has filed complete information with the Commission.
[] No prior reports have been issued.
[] This report supersedes all prior public reports.
[] This report must be read together with _____

☒ **SUPPLEMENTARY:**
(pink) This report updates information contained in the:
[] Preliminary Public Report dated: _____
[x] Final Public Report dated: October 18, 2006
[] Supplementary Public Report dated: _____

And [] Supersedes all prior public reports.
[x] Must be read together with Final Public Report dated October 18, 2006
[] This report reactivates the _____
public report(s) which expired on _____

(*) Exactly as named in the Declaration

This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at 586-2643 to submit your request.

FORM: RECO-30 286/986/189/1190/892/0197/1098/0800/0203/0104/0107

Disclosure Abstract: Separate Disclosure Abstract on this condominium project:

☒ [X] Required and attached to this report. ☐ [] Not Required - Disclosures covered in this report.

Summary of Changes from Earlier Public Reports:

This summary contains a general description of the changes, if any, made by the developer since the last public report was issued. It is not necessarily all inclusive. Prospective buyers should compare this public report with the earlier reports if they wish to know the specific changes that have been made.

☐ [] No prior reports have been issued by the developer.

☒ [X] Changes made are as follows: Disclosure Abstract attached hereto as Exhibit "O" includes additional disclosures of the following:

Amendment to the Declaration. An amendment to the Declaration was filed on March 30, 2007 to:

- 1) Correct the legal description of the property contained in Exhibit "A";
- 2) Add to the Declaration as a new Exhibit "C-1", the Fence Master Plan accepted by the Department of Planning Permitting, City and County of Honolulu, as a condition of the Existing Use Permit 1998/EU-500.
- 3) Amend Sheets 1 of 8 and 2 of 8 of the Condominium Map to correct reference to the area as a 'Carport' instead of 'Patio' for Unit A.

Disclosure Regarding Water Drainage. Developer was informed by the prior owner of the property that during heavy rains there is occasional water ponding on the property, particularly beneath Units C and D. It is believed the water is flowing from the property located behind the project and this matter has been raised with the owners of the back lot, but has not been corrected as of the date of this report. See the Disclosure Abstract for further information.

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II. CREATION OF THE CONDOMINIUM; CONDOMINIUM DOCUMENTS

A condominium is created by recording in the Bureau of Conveyances and/or filing with the Land Court a Declaration of Condominium Property Regime, a Condominium Map (File Plan), and the Bylaws of the Association of Apartment Owners. The Condominium Property Act (Chapter 514A, HRS), the Declaration, Bylaws, and House Rules control the rights and obligations of the apartment owners with respect to the project and the common elements, to each other, and to their respective apartments. The provisions of these documents are intended to be, and in most cases are, enforceable in a court of law.

A. **Declaration of Condominium Property Regime** contains a description of the land, buildings, apartments, common elements, limited common elements, common interests and other information relating to the condominium project.

The Declaration for this condominium is:

<input type="checkbox"/>	Proposed		
<input checked="" type="checkbox"/>	Recorded - Bureau of Conveyances	Document No.	2006-118539
		Book	Page
<input type="checkbox"/>	Filed - Land Court	Document No.	

The Declaration referred to above has been amended by the following instruments [state name of document, date and recording/filing information]:

Correction Amendment to the Declaration of Condominium Property Regime of 1431 10th Avenue and By-Laws of the Association of Apartment Owners of 1431 10th Avenue, dated August 9, 2006, recorded September 5, 2006, as Document No. 2006-162593. Amendment to the Declaration of Condominium Property Regime of 1431 10th Avenue dated March 23, 2007, recorded March 30, 2007, as Document No. 2007-057503.

B. **Condominium Map (File Plan)** shows the floor plan, elevation and layout of the condominium project. It also shows the floor plan, location, apartment number, and dimensions of each apartment.

The Condominium Map for this condominium project is:

<input type="checkbox"/>	Proposed		
<input checked="" type="checkbox"/>	Recorded - Bureau of Conveyances	Condo Map No.	4275
<input type="checkbox"/>	Filed - Land Court	Condo Map No.	

The Condominium Map has been amended by the following instruments [state name of document, date and recording/filing information]:

Amendment to the Declaration of Condominium Property Regime of 1431 10th Avenue dated March 23, 2007, recorded March 30, 2007, as Document No. 2007-057503.

C. **Bylaws of the Association of Apartment Owners** govern the operation of the condominium project. They provide for the manner in which the Board of Directors of the Association of Apartment Owners is elected, the powers and duties of the Board, the manner in which meetings will be conducted, whether pets are prohibited or allowed and other matters which affect how the condominium project will be governed.

The Bylaws for this condominium are:

<input type="checkbox"/>	Proposed		
<input checked="" type="checkbox"/>	Recorded - Bureau of Conveyances	Document No.	2006-118540
		Book	Page
<input type="checkbox"/>	Filed - Land Court	Document No.	

The Bylaws referred to above have been amended by the following instrument [state name of document, date and recording/filing information]:

Correction Amendment to the Declaration of Condominium Property Regime of 1431 10th Avenue and By-Laws of the Association of Apartment Owners of 1431 10th Avenue, dated August 9, 2006, recorded September 5, 2006, as Document No. 2006-162593.

2. Limited Common Elements: Limited Common Elements are those common elements which are reserved for the exclusive use of the owners of certain apartments.

☐ There are no limited common elements in this project.

☒ The limited common elements and the apartments which use them, as described in the Declaration, are:

☒ described in Exhibit "F".

☐ as follows:

* Note: Land areas referenced herein are not legally subdivided lots.

3. Common Interest: Each apartment will have an undivided fractional interest in all of the common elements. This interest is called the "common interest." It is used to determine each apartment's share of the maintenance fees and other common profits and expenses of the condominium project. It may also be used for other purposes, including voting on matters requiring action by apartment owners. The common interests for the apartments in this project, as described in the Declaration, are:

☐ described in Exhibit _____.

☒ as follows:

Each unit has been assigned an individual twenty-five percent (25%) interest in the common elements.

- E. Encumbrances Against Title: An encumbrance is a claim against or a liability on the property or a document affecting the title or use of the property. Encumbrances may have an adverse effect on the property or your purchase and ownership of an apartment in the project.

Exhibit "G" describes the encumbrances against the title contained in the title report dated March 9, 2007 and issued by Title Guaranty of Hawaii, Inc.

2. Rights Under the Sales Contract: Before signing the sales contract, prospective buyers should ask to see and carefully review all documents relating to the project. If these documents are not in final form, the buyer should ask to see the most recent draft. These include but are not limited to the:

- A) Condominium Public Reports issued by the developer which have been issued an effective date by the Hawaii Real Estate Commission.
- B) Declaration of Condominium Property Regime, as amended.
- C) Bylaws of the Association of Apartment Owners, as amended.
- D) House Rules, if any.
- E) Condominium Map, as amended.
- F) Escrow Agreement.
- G) Hawaii's Condominium Property Act (Chapter 514A, HRS, as amended) and Hawaii Administrative Rules (Chapter 16-107, adopted by the Real Estate Commission, as amended).
- H) Other Deed dated June 3, 1927, setting forth right-of-way in favor of Lot 11.

Copies of the condominium and sales documents and amendments made by the developer are available for review through the developer or through the developer's sales agent, if any. The Condominium Property Regime law (Chapter 514A, HRS) and the Administrative Rules (Chapter 107) are available online. Please refer to the following sites:

Website to access official copy of laws: www.capitol.hawaii.gov
Website to access unofficial copy of laws: www.hawaii.gov/dcca/hrs
Website to access rules: www.hawaii.gov/dcca/har

This Public Report is a part of Registration No. 6051 filed with the Real Estate Commission on June 29, 2006.

Reproduction of Report. When reproduced, this report must be on:

☐ YELLOW paper stock


☒ WHITE paper stock

☐ PINK paper stock

- D. The developer declares subject to the penalties set forth in section 514A-49(b) that this project is in compliance with all county zoning and building ordinances and codes, and all other county permitting requirements applicable to the project, pursuant to Act 251 (SLH 2000) [Section 514A-1.6] (The developer is required to make this declaration for issuance of an effective date for a final public report.)
- E. The developer hereby certifies that all the information contained in this Report and the Exhibits attached to this Report and all documents to be furnished by the developer to buyers concerning the project have been reviewed by the developer and are, to the best of the developer's knowledge, information and belief, true, correct and complete.


HPD - 10TH AVE, LLC, a Hawaii limited liability company

Printed Name of Developer

By:  APR 12 2007
Duly Authorized Signatory* Date

ANDREW AKIYOSHI, Member

Printed Name & Title of Person Signing Above

By:  APR 12 2007
Duly Authorized Signatory* Date

CECILIA LAM, Member

Printed Name & Title of Person Signing Above

By:  APR 12 2007
Duly Authorized Signatory* Date

TINA AU, Member

Printed Name & Title of Person Signing Above

By:  APR 12 2007
Duly Authorized Signatory* Date

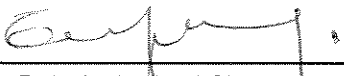
FANNY YEUNG, Member

Printed Name & Title of Person Signing Above

By:  APR 12 2007
Duly Authorized Signatory* Date

CECILIA LAM, Member of ACEL, LLC, Member


Printed Name & Title of Person Signing Above

By:  APR 12 2007
Duly Authorized Signatory* Date

EVA YEUNG, Member of ACEL, LLC, Member
Printed Name & Title of Person Signing Above

By:  APR 12 2007
Duly Authorized Signatory* Date

AGNES CHAN, Member of ACEL, LLC, Member
Printed Name & Title of Person Signing Above

By:  APR 12 2007
Duly Authorized Signatory* Date

LAWTON LEE, Member of L.W. FINANCIAL
SERVICES, LLC, Member of ACEL, LLC, Member
Printed Name & Title of Person Signing Above

Distribution:

Department of Finance, City and County of Honolulu

Planning Department, City and County of Honolulu

****Must be signed for a: corporation by an officer; partnership or Limited Liability Partnership (LLP) by the general partner; Limited Liability Company (LLC) by the manager or member; and for an individual by the individual.***

ENCUMBRANCES AGAINST TITLE

1. Real Property Taxes City and County of Honolulu
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. Right of way for all purposes in favor of the owner of Lot 11, in Block 306, as set forth in DEED dated June 3, 1927, recorded in Liber 881 at Page 342.
4. Easement for right of way for all purposes in favor of Lot 11, in Block 306, over that portion of said Lot 9, as shown in Deed dated November 26, 1934, recorded in Liber 1259 at Page 355, being more particularly described thereto.
5. REAL PROPERTY MORTGAGE AND FINANCING STATEMENT

LOAN/ACCOUNT NO. 1515972

MORTGAGOR : HPD-10TH AVE LLC, a Hawaii limited liability company
MORTGAGEE : FIRST HAWAIIAN BANK, a Hawaii corporation
DATED : April 11, 2005
RECORDED : Document No. 2005-072494
AMOUNT : \$825,000.00

6. Condominium Map No. 4275, recorded in the Bureau of Conveyances, State of Hawaii.
7. The terms and provisions contained in the following:

INSTRUMENT : DECLARATION OF CONDOMINIUM PROPERTY
REGIME FOR
"1431 10TH AVENUE" CONDOMINIUM
PROJECT
DATED : --- (acknowledged June 20, 2006)
RECORDED : Document No. 2006-118539
MAP : 4275 and any amendments thereto

Said Declaration was amended by instruments dated August 9, 2006, recorded as Document No. 2006-162593, and dated March 23, 2007, recorded as Document No. 2007-057503.

8. The terms and provisions contained in the following:

INSTRUMENT : BY-LAWS OF THE ASSOCIATION OF APARTMENT
OWNERS
DATED : June 20, 2006
RECORDED : Document No. 2006-118540

Said By-Laws was amended by instrument dated August 9, 2006, recorded as Document No. 2006-162593.

EXHIBIT "G"

DISCLOSURE ABSTRACT

1. a. PROJECT: "1431 10th AVENUE"
1431 10th Avenue, Honolulu, Hawaii 96816
Registration No. 6051
 - b. DEVELOPER: HPD - 10TH AVE LLC
1314 S. King Street, Ste. 1153, Honolulu, HI 96814
Telephone: (808) 596-2337
 - c. REAL ESTATE BROKER: ABE LEE REALTY, LLC
1585 Kapiolani Blvd., Ste. 1533, Honolulu, HI 96814
Telephone: (808) 942-4472
 - d. DATED: April 6, 2007
2. AMENDMENT TO THE DECLARATION TO CORRECT TO LEGAL DESCRIPTION OF THE LAND UNDERLYING THE PROJECT AND TO INCORPORATE THE FENCE MASTER PLAN.


The Developer has recorded in the Bureau of Conveyances, State of Hawaii, an Amendment to the Declaration of Condominium Property Regime of 1431 10th Avenue to amend the following:

- a) Correct the legal description of the land underlying the condominium project contained in Exhibit "A" of the Declaration, and
- b) Incorporate the Fence Master Plan accepted by the Department of Planning and Permitting, City and County of Honolulu, on December 14, 2006. The incorporation of the Fence Master Plan is listed as one of the conditions set forth in Existing Use Permit 1998/EU-500 which is attached to the Declaration as Exhibit "C-1".
- c) To amend Sheet 1 of 8 and Sheet 2 of 8 of the Condominium Map, containing the Floor Plans and Exterior Elevations, respectively, for Unit 1431-A to correct reference to the area as 'Carport' instead of 'Patio'.

A copy of the recorded Amendment is attached to this Disclosure Abstract.

3. DISCLOSURE REGARDING WATER DRAINAGE. Disclosure is made that the Developer was informed by the prior owner of the property that during heavy rains there was occasional water ponding around and underneath the Units, primarily Units C and D. It is believed some of the ponding is caused by water draining from the property located behind the project, Lot 10-C (TMK 1-3-3-33-79, located in the rear of the property, behind Unit D) and Developer has raised this matter with the owners of Lot 10-C. As of the date of this Disclosure Abstract this matter has not been corrected. Developer further discloses that while Developer has owned the property, Developer has not received any complaints from the Unit occupants of water ponding problems. Prospective purchasers are advised to carefully inspect the property and to consult with professionals regarding this matter. Purchasers will not hold Developer or its agents responsible for correcting the water ponding problems or for any damage that may be caused therefrom.

I hereby certify that this is
a true copy from the records
of the Bureau of Conveyances,
as 2007-057503


Registrar of Conveyances
Assistant Registrar, Land Court
State of Hawaii

MAR 30 2007

Doc 2007-057503

MAR 30, 2007 08:01 AM

LAND COURT SYSTEM

REGULAR SYSTEM

RETURN BY: MAIL [x] PICKUP []

TO: HPD - 10TH AVE LLC
1314 South King Street, Suite 1153
Honolulu, Hawaii 96814

TG 200709654A
TGE A71063155
G. WEEKS

RS

This Document contains 13 pages ①

TMK: (1) 3-3-033-039

Amendment to the Declaration of Condominium Property Regime of 1431 10th Avenue

WHEREAS, by Declaration of Condominium Property Regime of 1431 10th Avenue, recorded on June 27, 2006, in the Bureau of Conveyances of the State of Hawaii, as Document No. 2006-118539 (hereinafter referred to as the "Declaration"), and Condominium Map No. 4275, filed concurrently therewith, HPD - 10TH AVE LLC, a Hawaii limited liability company, as the "Developer", did submit the property description in said Declaration to the provisions of the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes, as amended; and

WHEREAS, said Declaration was amended by instrument dated August 9, 2006, recorded in the Bureau of Conveyances of the State of Hawaii, as Document No. 2006-162593; and

WHEREAS, Section O of said Declaration provides that at anytime prior to the first recording in the Bureau of Conveyances of a conveyance or transfer of a Unit in the Project to any person other than the Developer, the Developer may amend the Declaration, and any of the Exhibits thereto, the By-Laws, and/or the Condominium Map in any manner, without the consent of any purchaser or any other party; and

WHEREAS, the Developer is the owner of one hundred percent (100%) of the common interests in the project and the conveyance or transfer of a Unit in the Project to any person other than the Developer has not occurred; and

WHEREAS, the Developer desires to amend said Declaration and Condominium Map in the manner set forth herein.

NOW THEREFORE, in accordance with Section O of the Declaration, the Declaration and Condominium Map are hereby amended as follows:

AMENDMENT NUMBER ONE:

The Declaration is hereby amended by deleting in its entirety Exhibit "A", attached thereto, and to substituting in place thereof the attached Exhibit "A".

AMENDMENT NUMBER TWO:

The Declaration is hereby amended by adding the attached Exhibit "C-1" consisting of the letter dated December 14, 2006, issued by the Department of Planning and Permitting, City and County of Honolulu, State of Hawaii, and the approved Fence Master Plan, to be incorporated as part of Existing Use Permit 1998/EU-500, a copy of which is attached to said Declaration as Exhibit "C".

AMENDMENT NUMBER THREE:

The Condominium Map is hereby amended by deleting the pages entitled Sheet 1 of 8 and Sheet 2 of 8 containing the Floor Plan and the Exterior Elevations, respectively, for Unit 1431-A, and substituting in place thereof the attached Sheet 1 of 8 and Sheet 2 of 8 revised as of June 22, 2006, attached hereto as "Attachment A (Revised)".


* * *

In all other respects, said Declaration and Condominium Map, as amended herein, are hereby ratified and confirmed and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

The parties hereto agree that this instrument may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same instrument, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

IN WITNESS WHEREOF, the Developer has executed these presents this 23 day of
MARCH, 2007.

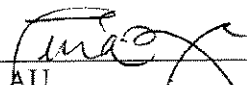
HPD-10TH AVE LLC,
a Hawaii limited liability company



ANDREW AKIYOSHI
Its Member



CECILIA LAM
Its Member

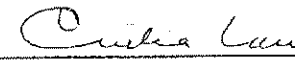


TINA AU
Its Member



FANNY YEUNG
Its Member

ACEL, LLC,
a Hawaii limited liability company
Its Member

By 

CECILIA LAM
Its Member

By 

EVA YEUNG
Its Member

By 

AGNES CHAN
Its Member

L.W. LEE FINANCIAL SERVICES, LLC,
a Hawaii limited liability company
Its Member

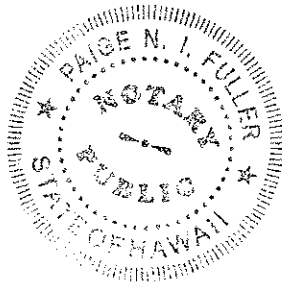
By 

LAWTON LEE
Its Member

"Developer "

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

On this 27th day of MARCH, 2007, before me personally appeared ANDREW AKIYOSHI, the Member of HPD - 10TH AVE LLC, a Hawaii limited liability company, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

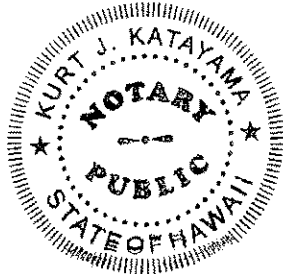


[Signature]
Notary's Signature **PAIGE N. I. FULLER**
Name: **Expiration Date March 27, 2009**
Notary Public, State of Hawaii

My commission expires: _____

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

On this _____ day of MAR 22 2007, 200____, before me personally appeared CECILIA LAM, the Member of HPD - 10TH AVE LLC, a Hawaii limited liability company, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.



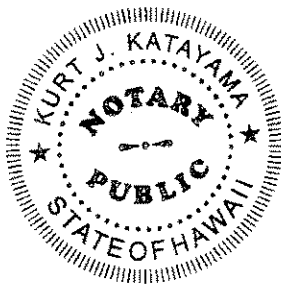
[Signature]
Notary's Signature
Name: _____
Notary Public, State of Hawaii

My commission expires: _____

KURT J. KATAYAMA
Expiration Date: February 1, 2008

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

On this ____ day of MAR 22 2007, 200____, before me personally appeared TINA AU, the Member of HPD – 10TH AVE LLC, a Hawaii limited liability company, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.



[Signature]
Notary's Signature

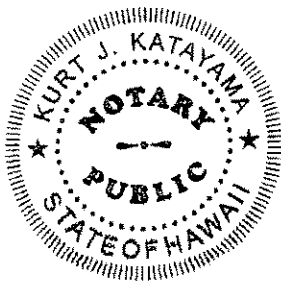
Name: _____
Notary Public, State of Hawaii

My commission expires: _____

KURT J. KATAYAMA
Expiration Date: **February 1, 2008**

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

On this ____ day of MAR 22 2007, 200____, before me personally appeared FANNY YEUNG, the Member of HPD – 10TH AVE LLC, a Hawaii limited liability company, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.



[Signature]
Notary's Signature

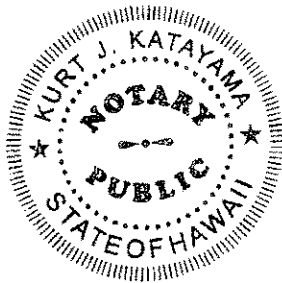
Name: _____
Notary Public, State of Hawaii


My commission expires: _____

KURT J. KATAYAMA
Expiration Date: **February 1, 2008**

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

On this ____ day of MAR 22 2007, 200____, before me personally appeared CECILIA LAM, the Member of ACEL, LLC, a Hawaii limited liability company, the Member of HPD – 10TH AVE LLC, a Hawaii limited liability company, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.





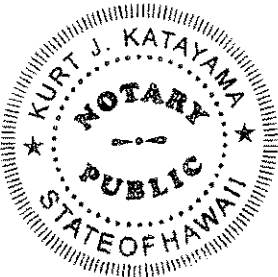
Notary's Signature
Name: _____
Notary Public, State of Hawaii


My commission expires: _____

KURT J. KATAYAMA
Expiration Date: February 1, 2008

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

On this ____ day of MAR 22 2007, 200____, before me personally appeared EVA YEUNG, the Member of ACEL, LLC, a Hawaii limited liability company, the Member of HPD – 10TH AVE LLC, a Hawaii limited liability company, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.





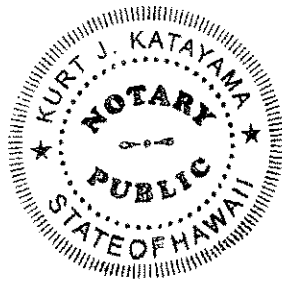
Notary's Signature
Name: _____
Notary Public, State of Hawaii

My commission expires: _____

KURT J. KATAYAMA
Expiration Date: February 1, 2008

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

On this ____ day of MAR 22 2007, 200____, before me personally appeared AGNES CHAN, the Member of ACEL, LLC, a Hawaii limited liability company, the Member of HPD – 10TH AVE LLC, a Hawaii limited liability company, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.



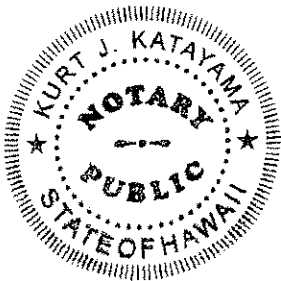
[Signature]
Notary's Signature
Name: _____
Notary Public, State of Hawaii

My commission expires: _____

KURT J. KATAYAMA
Expiration Date: **February 1, 2008**

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

On this ____ day of MAR 22 2007, 200____, before me personally appeared LAWTON LEE, the Member of L. W. FINANCIAL SERVICES, LLC, a Hawaii limited liability company, the Member of ACEL, LLC, a Hawaii limited liability company, the Member of HPD – 10TH AVE LLC, a Hawaii limited liability company, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.



[Signature]
Notary's Signature
Name: _____
Notary Public, State of Hawaii

My commission expires: _____

KURT J. KATAYAMA
Expiration Date: **February 1, 2008**

EXHIBIT "A"

All of that certain parcel of land situate, lying and being in Palolo Valley, Honolulu, City and County of Honolulu, State of Hawaii, PORTION LOT 9 in BLOCK 306 of the tract of land known as the "PALOLO TRACT", as shown and delineated on the Map or Plan of said tract platted for the Palolo Land and Improvement Company, Limited, and recorded in Liber 205 at Page 327, and containing an area of 15,000, more or less.

Excepting and Reserving from the above described parcel of land all of that portion thereof conveyed to the City and County of Honolulu, by DEED dated December 17, 1962, recorded in Liber 4462 at Page 402, being more particularly described as follows:

PARCEL 154, ZONE II, being a portion of R.P. 5667, Apana 1 to Iona no Keokapu on a portion of L. C. Aw. 5931, Part 1 to Pehu. Being also a portion of Lot 9, Block 306, "PALOLO TRACT". Situated at Kekio, Palolo Valley, Honolulu, Oahu, Hawaii.

Beginning at the north corner of this parcel of land being also the west corner of Lot 11, Block 306, "PALOLO TRACT", and on the present southeast side of 10th Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAIMUKI" being 3,603.44 feet north and 244.78 feet east, thence running by azimuths measure clockwise from true South:

- | | | | | | |
|----|------|-----|-----|-------|---|
| 1. | 298° | 31' | 30" | 3.00 | feet along Lot 11, Block 306, Palolo Tract; |
| 2. | 28° | 31' | 30" | 75.00 | feet along the new southeast side of Palolo Avenue; |
| 3. | 118° | 31' | 30" | 3.00 | feet along Lot 7, Block 306, Palolo Tract; |
| 4. | 208° | 31' | 30" | 75.00 | feet along the present southeast side of 10th Avenue to the point of beginning and containing an area of 225 square feet. |

Together with an easement for a right of way for all purposes over that portion of Lot 11, Block 306, as set forth in the Deed dated June 3, 1927, recorded in Liber 881 at Page 342, being more particularly described as follows:

- | | | | | | |
|----|------|-----|-----|-----|---|
| 1. | 208° | 31' | 30" | 7.0 | feet along the southeast side of 10th Avenue; |
|----|------|-----|-----|-----|---|

2. 298° 31' 30" 100.0 feet along the remainder of Lot 11, Block 306;
3. 28° 31' 30" 7.0 feet along the remainder of Lot 11, Block 306;
4. 118° 31' 30" 100.0 feet along Lot 9, Block 306, to the point of beginning and containing an area of 700 square feet, more or less.

BEING A PORTION OF THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : BAMBOO HARVEST LIMITED PARTNERSHIP, a
Hawaii limited partnership

GRANTEE : HPD - 10TH AVE LLC, a Hawaii limited
liability company

DATED : April 11, 2005

RECORDED : Document No. 2005-072493

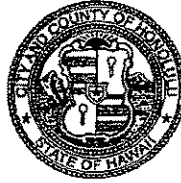
SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. Right of way for all purposes in favor of the owner of Lot 11, in Block 306, as set forth in DEED dated June 3, 1927, recorded in Liber 881 at Page 342.
3. Easement for right of way for all purposes in favor of Lot 11, in Block 306, over that portion of said Lot 9, as shown in Deed dated November 26, 1934, recorded in Liber 1259 at Page 355, being more particularly described thereto.

End of EXHIBIT "A"

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 523-4432 • FAX: (808) 527-6743
DEPT. INTERNET: www.honolulu.gov • INTERNET: www.honoluludpp.org



MUFI HANNEMANN
MAYOR

HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUE
DEPUTY DIRECTOR

2006/ELOG-2444(sn)
1998/EU-500

December 14, 2006

Ms. Lynn Nishiki, Development Manager
Abe Lee Realty
1585 Kapiolani Boulevard, Suite 1533
Honolulu, Hawaii 96814

Dear Ms. Nishiki:

Subject: Existing Use Permit No. 1998/EU-500
1431 - 10th Avenue - Palolo
Tax Map Key 3-3-33: 39

We have reviewed the revisions to the floor plan and exterior elevation plans for Unit 1431-A and the proposed Fence Master Plan, submitted in compliance with the conditions of the above Existing Use (EU) Permit, and determined that they are acceptable.

Please ensure that these revised plans are incorporated into the Declaration of CPR and submit a certified recorded copy of the declaration for our files.

Should you have any questions, please contact Sharon Nishiura of our staff at 523-4256.

Very truly yours,

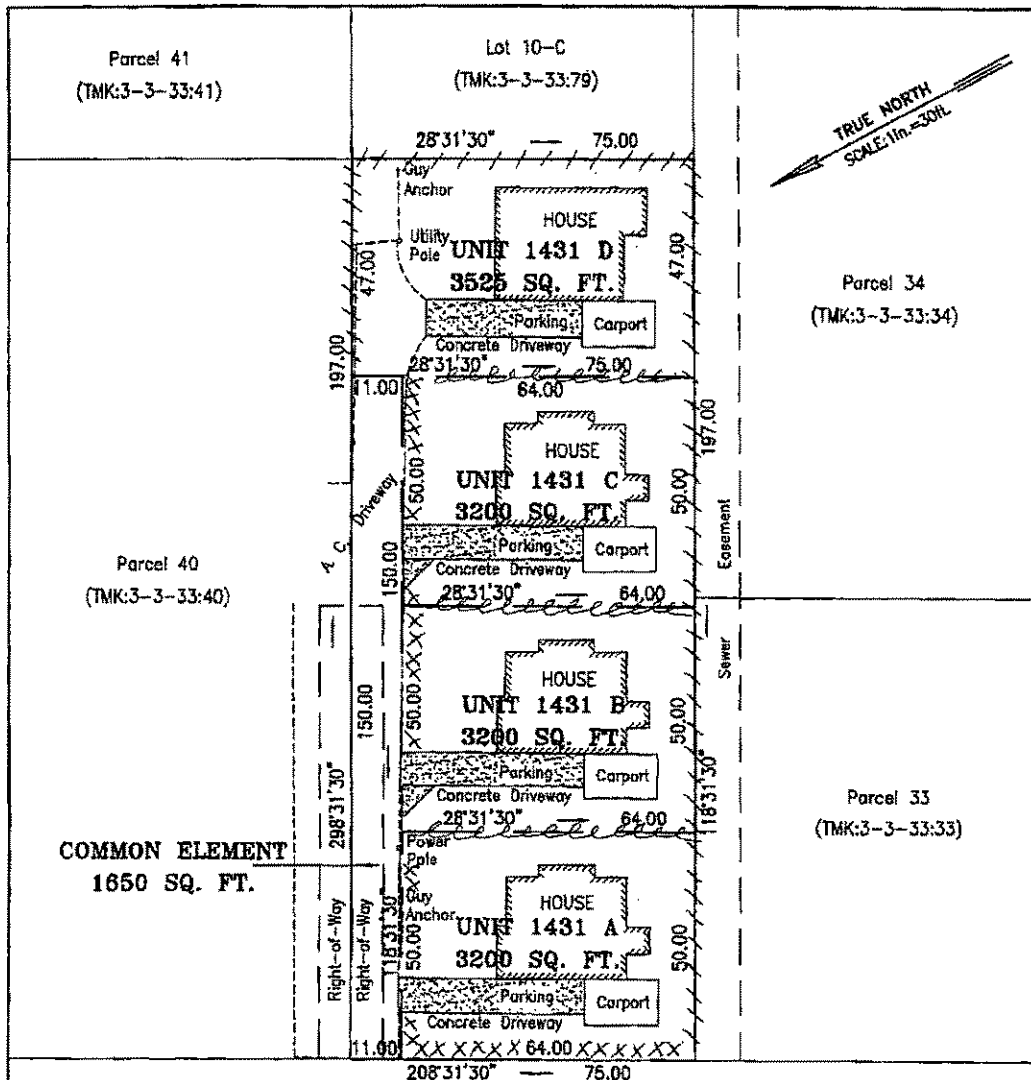
for Pat B. Segant
Henry Eng, FAICP, Director
Department of Planning and Permitting

HE:nt

doc no. 502885

EXHIBIT "C-1"

ATTACHMENT E (Revised)



10TH AVENUE FENCE MASTER PLAN

"1431 10TH AVENUE" A CONDOMINIUM PROPERTY REGIME Being a portion of Lot 9 in Block 306 of "Palolo Tract" Palolo, Honolulu, Oahu, Hawaii

Tax Map Key: 3-3-33:39
Scale: 1 inch = 30 feet
Date: June 15, 2008

NOTES:

1. Only improvements shown were located.
2. Dashed lines indicated do not represent the boundary of a legally subdivided lot. They represent either a limited common element area or common element area.
3. If this sheet is less than 8.5" X 14", it is not to scale, the 8.5" X 14" sheet must be examined to obtain the accurate scale.

LEGEND

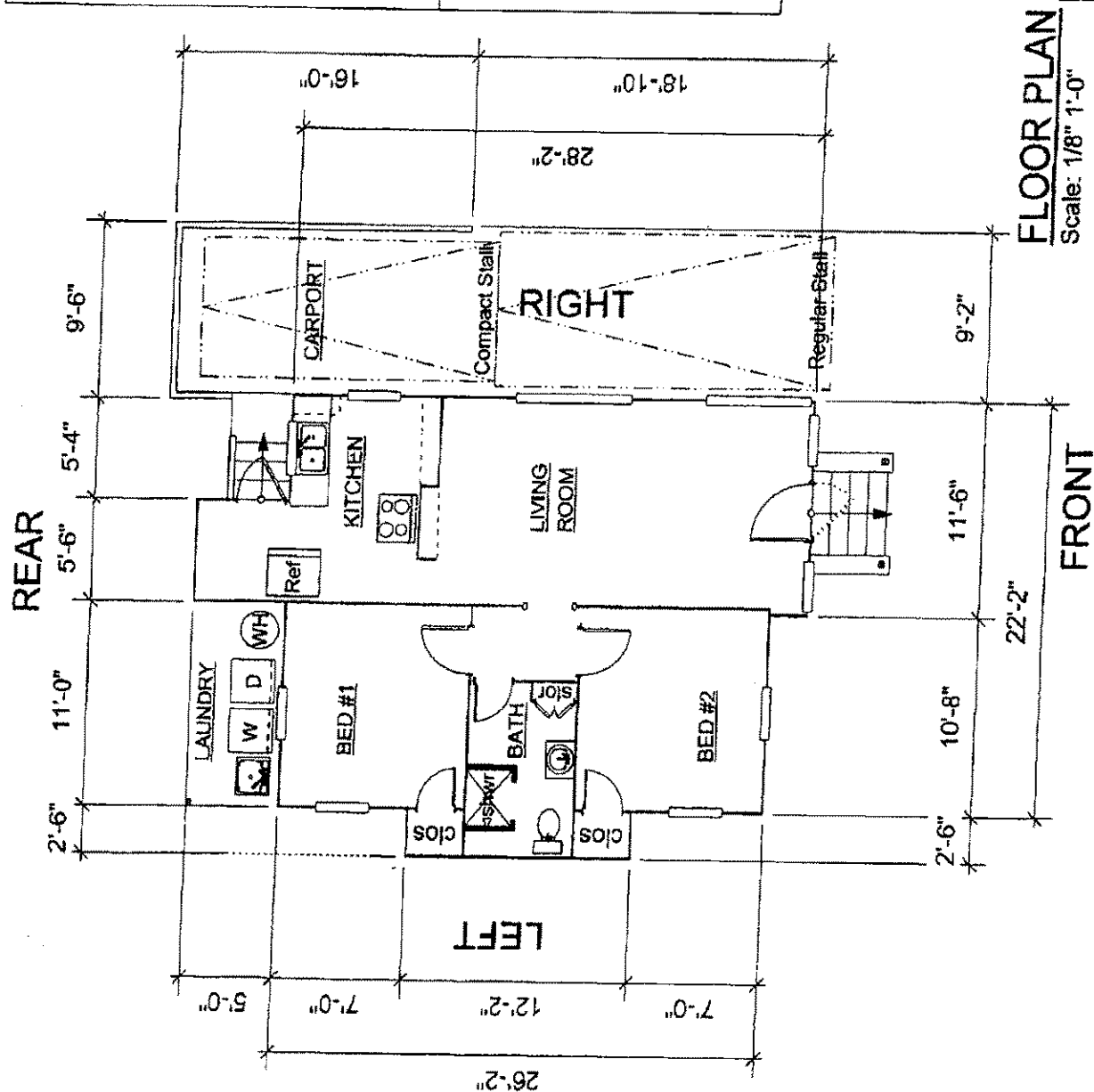
////// All new or replacement perimeter fencing constructed of chain-link fencing, hollow-tile, wood, or vinyl fencing allowed, up to 6 feet in height, and requires a 2-foot landscape strip with a minimum 4-foot high hedge maintained in a healthy condition. In lieu of a constructed fence, the owner may opt to plant a hedge up to 6 feet in height, maintained in a healthy condition.

X X X X X Fences adjacent to the common element driveway and front perimeter property line shall be limited to only open materials, such as chain-link or wrought iron. Fences must be set back a minimum of two (2) feet and landscaped with a minimum 4-foot high hedge maintained in a healthy condition. In lieu of a constructed fence, the owner may opt to plant a hedge up to 6 feet in height, maintained in a healthy condition.

~~~~~ Fences along CPR lines between units constructed of chain-link fencing, hollow-tile, wood, vinyl fencing, or hedges allowed, up to 6 feet in height.

Note: No fences permitted along northern Property line, between the driveway and Parcel 40.

# ATTACHMENT A (Revised)



Project Name:  
**"1431 10th Ave"**  
A Condominium Property Regime

TMK (1) 3-3-33:39

Units Numbers/Address:

1431-A  
1431-B,  
1431-C,  
1431-D,

10th Avenue, Honolulu, HI 92622

## DRAWING NOTES:

- 1) These notes apply to all attached sheets.
- 2) All dimensions and floor areas are approximate.
- 3) Miscellaneous structures that may be shown on the site plan (i.e. retaining walls and fences), may not have building permits.

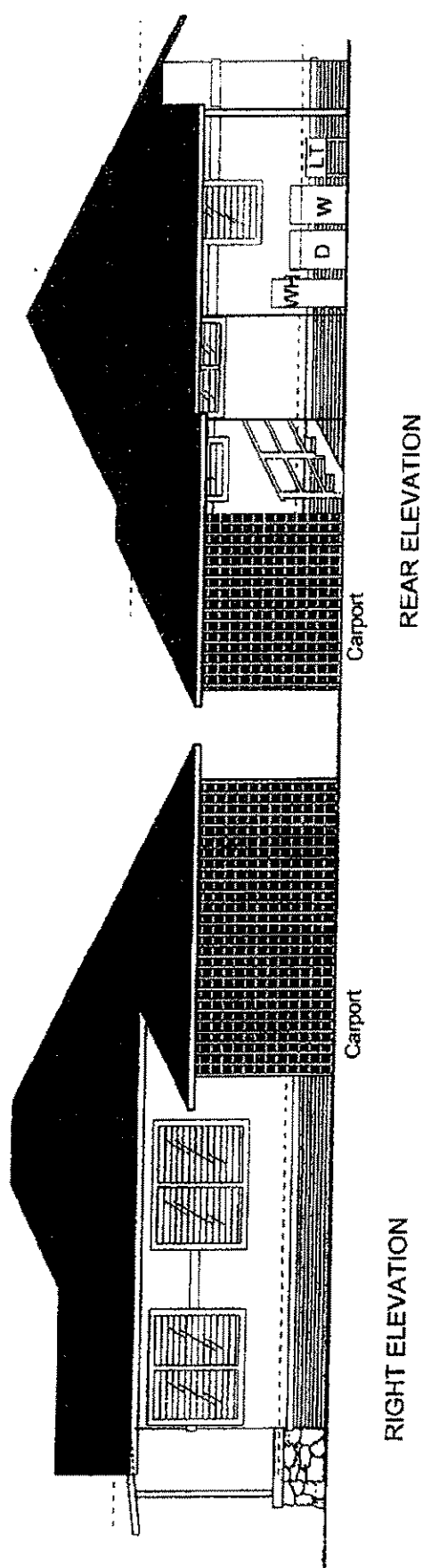
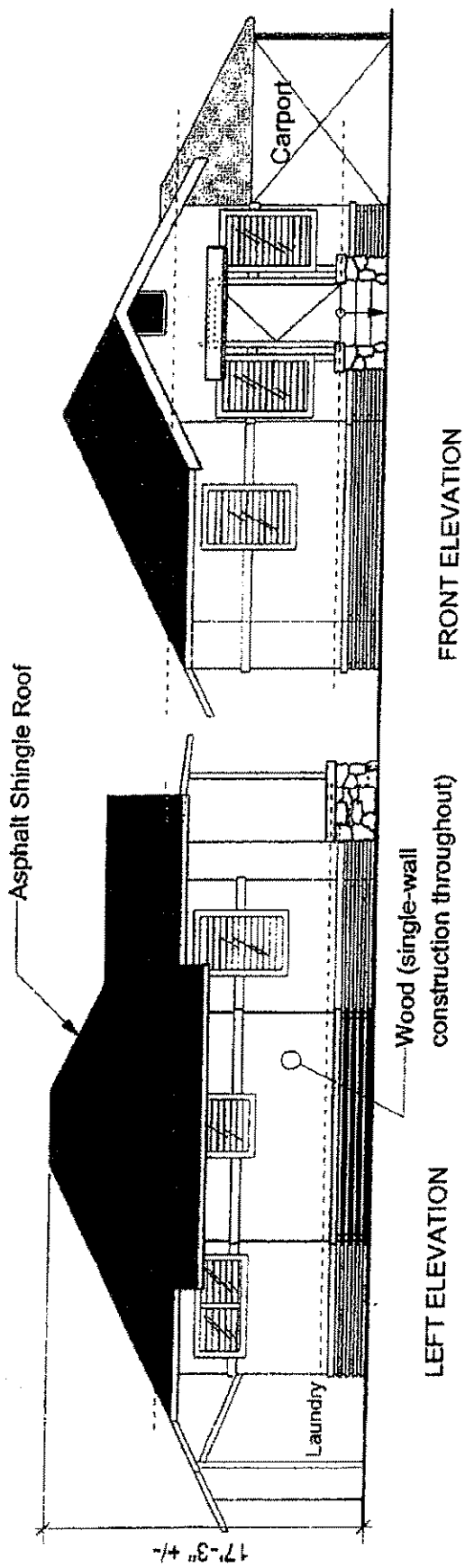
## AREA CALCULATION (in sq ft)

Living Area: 651  
Laundry: 54  
Carport: 146  
Parking Stalls: 1 Compact,  
1 Regular (Tandem)

Rev: 6/22/06

Date: 9/21/2005  
Sheet 1 of 8

Unit  
**1431-A**



**EXTERIOR ELEVATIONS**  
 Scale: 1/8" 1'-0"

|                                 |              |
|---------------------------------|--------------|
| Unit<br>1431-A                  | Rev: 6/22/06 |
| Date: 9/21/2005<br>Sheet 2 of 8 |              |